

## Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: PFOR, UNGA

SUBJ: SIXTH COMITE (LEGAL) - HOSTAGES

REF: USUN 5670

SUMMARY: FIFTEEN STATES ADDRESSED COMITE ON NOV. 30. WESTERN AND LATIN AMERICAN STATES CONTINUE SUPPORT FRG RESOLUTION AND OPPOSE LIBYAN AMENDMENTS, WHICH INSERT "INNOCENT" BEFORE HOSTAGE AND DELETE OPERATIVE PARAGRAPH 3 (REFTEL). MOST ASIAN, AFRICAN AND EASTERN STATES WELCOME THE FRG INITIATIVE "IN PRINCIPLE" BUT ADD SUPPORT ONE OR ALL OF FOLLOWING: LIBYAN AMENDMENTS, COMBINATION WITH TERRORISM, STUDY OF CAUSES OF TERRORISM, LIBERATION MOVEMENTS, RECOGNITION OF TERRITORIAL INTEGRITY. LIBYA EXPLAINED ITS AMENDMENTS AS NECESSARY TO PREVENT PREJUDGING OUTCOME OF CONVENTION AND DID NOT GIVE ILLUSTRATIONS OF "INNOCENT HOSTAGES". US, UK, CANADA AND IRELAND BECAME COSPONSORS. FRG RESOLUTION. NEGOTIATING GROUP HAS BEEN FORMED TO SEEK COMPROMISE RESOLUTION. RESULTS OF FIRST MEETING REPORTED SEPTTEL. END SUMMARY.

1. SRI LANKA WELCOMED FRG INITIATIVE AND RECOGNIZED NEED FOR URGENT, COLLECTIVE ACTION. ADDED REAL SOLUTION TO TERRIROSOM WILL COME FROM CHANGE IN POLITICAL SITUATION. SAID CONVENTION WILL BE INEFFECTIVE UNLESS CAUSES COMBATTED. SAID CONVENTION MUST RECOGNIZE TERRITORIAL INTEGRITY OF STATES.

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2. CANADA SUPPORTED PRESENT TEXT OF FRG RESOLUTION. SAID EXISTING CONVENTIONS HAVE GAPS REGARDING PROTECTION OF INNOCENT PERSONS. SAID LIBYAN "INNOCENT" AMENDMENT IS EITHER REDUNDANT OR CREATES UNACCEPTABLE IMPLICATION; LIBYAN AMENDMENT DELETING OP PARA. 3 CRATES SERIOUS PROBLEMS BECAUSE PARA STATES PRINCIPLE ALL SHOULD BE WILLING TO ACCEPT.

3. URUGUAY REJECTED NOTION VIOLENCE CAN CHANGE RULE OF LAW. SAID UN MUST ACT ON PRINCIPLES OF CHARTER AND PROHIBIT THIS PROBLEM. SAID ITEM WAS REFERRED TO SIXTH COMITE BECAUSE OF URGENT NEED FOR ACTION. SUPPORTED FRG RESOLUTION. SAID USE OF WORD "INNOCENT" WOULD UNDERMINE CONVENTION BECAUSE ALL HOSTAGES ARE INNOCENT, BECAUSE NO PROCESS TO DETERMINE WHAT HOSTAGES ARE INNOCENT, AND BECAUSE WOULD MEAN ONE STATE COULD GIVE TERRIRISTS LICENSE TO PERPETRATE CRIMES. SAID LIBYAN AMENDMENT DELETING OPERATIVE PARAGRAPH 3 WAS INADVISABLE BECAUSE WOULD GIVE AD HOC COMITE SO BROAD A MANDATE, CONVENTION MIGHT NOT BE DRAFTED. SAID TERMS OF REFERENCE FOR AD HOC COMITE MUST BE CONCRETE.

4. DENMARK SUPPORTED FRG RESOLUTION AND SAID LIBYAN AMENDMENTS COULD UNDERMINE CONVENTION.

5. CHINA DENOUNCED ACTS OF TERRORISM BECAUSE VICTORY ONLY POSSIBLE IF MASSES MOBILIZED, NOT THROUGH SOLO ADVENTURIST ACTIONS. SAID IMPERIALISTS OFTEN SEIZE ON TERRORIST ACT TO DENIGRATE LIBERATION MOVEMENTS, DISTORTING AND UNDERMINING THE LIBERATION MOVEMENTS. SAID SOUTH AFRICA AND ZIONISTS HAVE MALIGNED LIBERATION MOVEMENTS UNDER PRETEXTS OF ATTACKING TERRORISM AND IT IS SOUTH AFRICANS AND ZIONISTS WHO ARE REAL TERRORISTS. OPPOSES TERRORISM TO ATTAIN POLITICAL GOALS BUT ALSO OPPOSED ATTEMPT OF SUPERPOWERS TO CONTROL WORLD.

6. USSR SAID TAKING OF HOSTAGES IS COMPLEX PROBLEM, WHICH IS PART OF TERRORISM ISSUE. SAID ITS POSITION ON TERRORISM IS WELL-KNOWN, THAT IT OPPOSES TERRORISM WHOMEVER AIMED AGAINST. SAID TERRORIST CAN'T BE USED TO DESCRIBE ACTS OF NLM'S AND THOSE RESISTING FOREIGN OCCUPATION. SAID FRG DRAFT INADEQUATE BECAUSE NEGLECTS POLITICAL ASPECTS OF PROBLEM. SAID THIS CAN ONLY LEAD TO INEFFECTIVE CONVENTION.

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7. BELGIUM SUPPORTED FRG RESOLUTION. SAID LIBYAN AMENDMENTS UNDERMINE CONVENTION; ALL HOSTAGES ARE INNOCENT.

8. BULGARIA SAID TAKING OF HOSTAGES REPRESENTS "TIP OF ICEBERG". SAID ACTS OF TERRORISM ARE COUNTER-PRODUCTIVE, BUT SAID PRINCIPLE OF RESPECT FOR HUMAN RIGHTS CAN'T BE ELABORATED AT EXPENSE OF RIGHT OF SELF-DETERMINATION.

9. LIBYA DENOUNCED TAKING OF HOSTAGES AS IRRESPONSIBLE ACTS WHICH ENDANGER INNOCENT PEOPLE. SAID MUST ENSURE CONVENTION NOT OVERLOOK STRUGGLE OF SOME PEOPLES AGAINST OPPRESSION. SAID IT WILL WORK TO MAKE FRG INITIATIVE SUCCESSFUL AND WILL COOPERATE IN DRAFTING CONVENTION. SAID, HOWEVER, IT WILL DEFEND RIGHTS OF OPPRESSED PEOPLES. SAID "INNOCENT" AMENDMENT IS MOTIVATED BY DESIRE TO PROTECT INNOCENT VICTIMS, BUT NOT ALL HOSTAGES ARE INNOCENT. SAID INTERNATIONAL COMMUNITY WILL DECIDE WHO IS INNOCENT. SAID AMENDMENT DOESN'T PREJUDGE BECAUSE POSSIBLE INTERNATIONAL COMMUNITY WILL FIND ALL INNOCENT. HOWEVER, REJECTION OF AMENDMENT PREJUDGES ALL HOSTAGES AS INNOCENT. SAID SECOND AMENDMENT DESIGNED TO PREVENT TOO-NARROW MANDATE OF AD HOC COMITE AND IN ORDER NOT TO CONFINE RANGE OF ACTION OPEN TO COMITE. SAID MAY BE OTHER CRITERIA WHICH SHOULD BE TAKEN INTO ACCOUNT IN COMITE MANDATE SUCH AS RELEASE OF HOSTAGES AND TERRITORIAL INTEGRITY.

10. SOMALIA WELCOMED "IN PRINCIPLE" FRG INITIATIVE. SAID CAUSE CANNOT JUSTIFY TAKING OF HOSTAGES BUT DOES NOT MEAN CAUSE IS IRRELEVANT. PROPOSED ADDITIONAL PREAMBULAR PARAGRAPH, "RECOGNIZING ALSO THE NEED TO GIVE DUE CONSIDERATION TO UNDERLYING CAUSES OF ACTS INVOLVING TAKING OF HOSTAGES." ASSOCIATED SELF WITH LIBYAN AMENDMENTS, SAID DELETION OF OP. PARA. 3 WOULD GIVE REQUISITE WIDE LATITUDE TO AD HOC COMITE. SAID ANY GUIDELINE GIVEN TO AD HOC COMITE SHOULD BE BROAD RATHER THAN NARROW; TAKING OF HOSTAGES, PER SE, SHOULD NOT BE CONSIDERED INTERNATIONAL CRIME. SAID AS LONG AS REVOLUTIONARY MOVEMENTS EXIST, MOST COUNTRIES WILL PROVIDE MEMBERS ASYLUM. SAID REMEDY WILL ONLY BE EFFECTIVE IF UNDERLYING CAUSES OF TERRORIST ACTS ARE REMOVED. CONFRONTED WITH OPPRESSION, QUESTIONED WHO COULD SAY TERRORIST ACT WAS WRONG. SAID UNCLASSIFIED

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RESOLUTION AND CONVENTION MUST BALANCE HUMANITARIAN CONCERN FOR HOSTAGE AND OPPRESSED. REBUTTED UK ASSERTION THAT NO PRECEDENT FOR WORD "INNOCENT" EXISTED BY REFERRING TO RESOLUTION ON PREVENTION OF TERRORISM. ASKED WHY STATES OBJECTED TO "INNOCENT".

11. SURINAM DENOUNCED TAKING OF HOSTAGES AS "BARBAROUS" PRACTICE AND COMPARED IT TO PIRACY.

12. PAKISTAN OPPOSED TAKING OF HOSTAGES FOR WHATEVER REASON. SUPPORTED FRG RESOLUTION AS FIRST STEP IN COMBATTING TERRORISM, BUT SAID AD HOC COMITE MUST CONFRONT POLITICAL QUESTIONS. CHALLENGED OPERATIVE PARAGRAPH 3 AS TOO NARROW, SAYING OTHER RESPONSES BY GOVERNMENTS ARE POSSIBLE. SPECIFICALLY ENDORSED LIBYAN AMENDMENT REGARDING OPERATIVE PARAGRAPH 3; DID NOT MENTION "INNOCENT" AMENDMENT.

13. INDIA SAID FRG INITIATIVE IS TIMELY. SAID PERSON MAY BE HELD HOSTAGE FOR VARIOUS REASONS. SAID TAKING OF HOSTAGES FOR PERSONAL GAIN IS EASY TO CONDEMN BUT TAKING OF HOSTAGES FOR POLITICAL MOTIVES IS MORE COMPLEX. ACCEPTED "INNOCENT" AMENDMENT BECAUSE LIMITS PROTECTION TO THOSE NOT INVOLVED, BUT CAUTIONED AD HOC COMITE TO DRAW UP PRECISE DEFINITION. SAID IF INNOCENT AMENDMENT ACCEPTED, OTHER LIBYAN AMENDMENT UNNECESSARY.

14. COLOMBIA SAID FRG RESOLUTION ENSURES PEACEFUL EXISTENCE FOR ALL PERSONS AND REFLECTS ACCEPTED INTERNATIONAL PRINCIPLES.

15. INDONESIA SAID EFFECTIVE DETERRENT TO TAKING OF HOSTAGES IS NEEDED. SAID FRG RESOLUTION IS PROCEDURAL AND ESSENTIAL FIRST STEP. SAID AD HOC COMITE MUST CONSIDER ALL PROBLEMS DISCUSSED IN SIXTH COMITE, INCLUDING POLITICAL ASYLUM, TERRITORIAL INTEGRITY AND INNOCENT HOSTAGES. THEREFORE, URGED DELETION OF OPERATIVE PARAGRAPH 3, IN ORDER PREVENT PREJUDGING WORK OF COMITE. ALSO SUPPORTED, WITHOUT EXPLANATION, "INNOCENT" AMENDMENT. SAID DRAFT RESOLUTION MUST REFLECT VIEWS OF ALL TO ENSURE CONSENSUS.

16. US, UK, CANADA, AND IRELAND BECAME CO-SPONSORS OF FRG RESOLUTION.  
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